

DAC
Ew

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: 2662

CHRIS E. JOHNSON et al.

Examiner: Ahmed Elallam

Serial No.: 09/668,652

Filed: September 22, 2000

For: Extended Multi-Line Hunt Group

Attorney Docket No.: 1756 (USW0587PUS)

**PETITION FOR REVIVAL OF A PATENT APPLICATION
ABANDONED UNINTENTIONALLY UNDER
37 C.F.R. § 1.137(b), 37 C.F.R. § 1.155(c) OR 37 C.F.R. § 1.316(c)**

Mail Stop Petition
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The above-identified application became abandoned following dismissal of an appeal. The reason for the dismissal has never been adequately explained. The abandonment date of this application is December 28, 2006.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition fee

- ☐ Small entity - fee \$_____ (37 C.F.R. § 1.17(m))
☐ Small entity statement enclosed herewith.
☐ Small entity statement previously filed.
☒ Other than small entity - fee \$ 1,500 37 C.F.R. § 1.17(m))

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8 (FIRST CLASS MAIL)

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

August 9, 2007
Date of Deposit

Mark D. Chuev
Name of Person Signing

[Signature]
Signature

08/14/2007 HU00461 00000059 09666652 1500.00 0P
01 FC:1453

2. Proposed response and/or fee

A. The proposed response and/or fee to the above-noted Office Action in the form of a Second Amended Appeal Brief (identify type of response):

_____ has been filed previously on _____

X is enclosed herewith.

B. The issue fee of \$_____

_____ has been paid previously on _____

_____ is enclosed herewith.

3. Statement

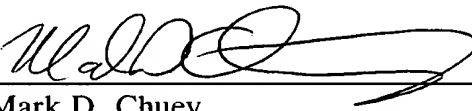
The entire delay in filing the required response until the filing of this petition was unintentional.

4. Terminal Disclaimer (required if application was filed prior to June 8, 1995) under 37 C.F.R. § 1.137(c) and fee of \$_____ set forth in 37 C.F.R. § 1.20(d).

_____ are enclosed herewith.

Respectfully submitted,

CHRIS E. JOHNSON et al.

By 
Mark D. Chuey
Reg. No. 42,415
Attorney/Agent for Applicant

Date: August 9, 2007

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351

Enclosures: _____ Response
_____ Fee Payment
_____ Small Entity Status Form
_____ Terminal Disclaimer
X Other Second Amended Appeal Brief

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

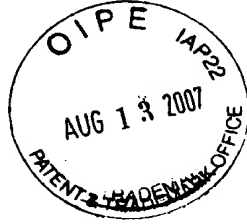
CHRIS E. JOHNSON et al.

Serial No.: 09/668,652

Filed: September 22, 2000

For: Extended Multi-Line Hunt Group

Attorney Docket No.: 1756 (USW0587PUS)



Group Art Unit: 2662

Examiner: Ahmed Elallam

SUMMARY OF TELECONFERENCES

Mail Stop Amendment
Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

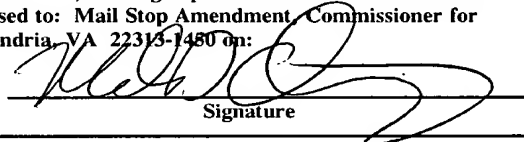
Following is a summary of teleconferences conducted on August 8, 2007, with Examiner Ahmed Elallam, Supervisory Patent Examiner Chieh Fan, and Petitions Attorney Charlema Grant.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8 (FIRST CLASS MAIL)

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

August 9, 2007
Date of Deposit

Mark D. Chuey
Name of Person Signing


Signature

Background

This case stands abandoned. An appeal brief was filed September 19, 2005. A Notice of Non-Compliance was mailed December 13, 2005, indicating that the “brief does not contain a concise explanation of the subject matter defined in each of the independent claims.” The only substantive explanation was that “the brief does not refer to the specification by page and line number, and to the drawing, if any, by reference characters for the independent claims 1, 15, 23, 31, and 32 involved in the appeal.”

An amended appeal brief was mailed January 17, 2006, including an extensive summary of the claims with numerous citations to the specifications and drawings. On December 28, 2006, Examiner Elallam mailed a notice that the case had been abandoned stating “Appellant didn’t address each and every independent claims in accordance with the provision of 37 CFR 41.37(c)(1)(v) as being previously notified in response to the appeal brief filed on 9/22/2005.”

On January 22, 2007, Examiner Elallam was contacted regarding the abandonment. During this interview, the Examiner reviewed the summary in the amended brief and indicated that he had improperly abandoned the case. The Examiner also indicated that he could not withdraw the notice and that the only recourse was to file a petition to revive. A petition to revive was filed on January 31, 2007.

On June 21, 2007, the Patent Office rejected the petition, apparently after Examiner Elallam was contacted and he disagreed that the amended brief was compliant.

Teleconference with Examiner Elallam

On August 8, 2007, a teleconference was conducted between Examiner Elallam and the undersigned. During this conference, Examiner Elallam was asked how the invention summary could be modified to meet his criteria. He refused to provide any assistance, stating that, as far as he was concerned, the case was abandoned. The undersigned explained to the Examiner that, if a petition to revive was filed, the case would come back to the Examiner for approval. The Examiner still refused to offer any assistance or to discuss what was wrong with the current summary. The Examiner instead suggested contacting the petitions office since they had decided to deny the petition.

Teleconference with Petitions Attorney Grant

Ms. Grant, the Petitions Attorney handling this case, was next called. She indicated that, if a petition to revive was filed, any amended brief would go back to Examiner Elallam. When the undersigned told Ms. Grant that Examiner Elallam was not willing to discuss the matter, she suggested contacting Mr. Elallam's supervisor.

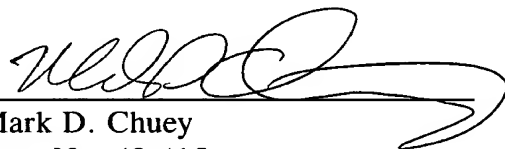
Teleconference with SPE Fan

SPE Fan was next called. Examiner Fan stated that he reviewed the case and that Appellants had done a "pretty good job" summarizing the invention. He stated that the only thing missing was that the claim numbers weren't included in each paragraph that summarized the invention. Examiner Fan could present no reason why the application was abandoned.

Respectfully submitted,

CHRIS E. JOHNSON et al.

By



Mark D. Chuey
Reg. No. 42,415

Attorney/Agent for Applicant

Date: August 9, 2007

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351